



PUBLIC NOTICE

APPLICATION FOR PERMIT

LOS ANGELES DISTRICT

Public Notice/Application No.: SPL-1996-2006800-CLD

Comment Period: October 9, 2008 through November 7, 2008

Project Manager: Crystel Doyle; 760.602.4836; Crystel.L.Doyle@usace.army.mil

Applicant

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Location

The site is located to the southeast of the intersection of El Camino Real and Oceanside Boulevard on Loma Alta Creek in the city of Oceanside, San Diego County, California.

Activity

The proposed project includes the construction of a flood water detention basin at El Camino Real and Oceanside Boulevard (Figure 1) that was started under a previous Corps permit that is currently expired. Construction of the masonry walls will require a trench in order for the wall footings to be built and anchored. Construction corridors will be restricted to minimize impacts to native vegetation and two concrete outfall structures will also be constructed. A lateral baffle wall will require grading and minimal redeposit of fill material.

A total of 0.4 acre of permanent impacts and 0.60 acre of temporary construction impacts to waters of the U.S. resulting from installation of masonry walls at the El Camino Real basin were authorized under the previous 404 permit (Table 1). Approximately 0.09 acre of permanent and 0.15 acre of temporary impacts to waters of the U.S. have yet to be completed to finish the walls of the El Camino Real detention basin. For more information see pages 3 and 4 of this notice.

Interested parties are hereby notified that an application has been received for a Department of the Army permit for the activity described herein and shown on the attached drawing(s). Interested parties are invited to provide their views on the proposed work, which will become a part of the

record and will be considered in the decision. This permit will be issued or denied under. Comments should be mailed to:

U.S. Army Corps of Engineers, Los Angeles District
Regulatory Division, San Diego Field Office
ATTN:CESPL-RG-SD
Permit No. 1996-2006800-CLD
16885 W. Bernardo Drive, Suite 300-A
San Diego, CA 92127

Alternatively, comments can be sent electronically to: Crystel.L.Doyle@usace.army.mil

Evaluation Factors

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof. Factors that will be considered include conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people. In addition, if the proposal would discharge dredged or fill material, the evaluation of the activity will include application of the EPA Guidelines (40 CFR 230) as required by Section 404 (b)(1) of the Clean Water Act.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Preliminary Review of Selected Factors

EIS Determination- A preliminary determination has been made that an environmental impact statement is not required for the proposed work.

Water Quality- The applicant is required to obtain water quality certification, under Section 401 of the Clean Water Act, from the California Regional Water Quality Control Board. Section 401 requires that any applicant for an individual Section 404 permit provide proof of water quality certification to the Corps of Engineers prior to permit issuance. For any proposed activity on Tribal land that is subject to Section 404 jurisdiction, the applicant will be required to obtain water quality certification from the U.S. Environmental Protection Agency.

Coastal Zone Management- For those projects in or affecting the coastal zone, the Federal Coastal Zone Management Act requires that prior to issuing the Corps authorization for the project, the applicant must obtain concurrence from the California Coastal Commission that the project is consistent with the State's Coastal Zone Management Plan.

This project is located outside the coastal zone and preliminary review indicates that it will not affect coastal zone resources. A final determination of whether this project affects coastal zone resources will be made by the Corps, in consultation with the California Coastal Commission, after review of the comments received on this Public Notice.

Cultural Resources- The latest version of the National Register of Historic Places has been consulted and this site is not listed. This review constitutes the extent of cultural resources investigations by the District Engineer, and he is otherwise unaware of the presence of such resources.

Endangered Species- Formal consultation between USACE and the U.S. Fish and Wildlife Service (USFWS) under Section 7 of the Endangered Species Act was completed for the previously approved project for possible effects on the least Bell's vireo (*Vireo bellii pusillus*), the coastal California gnatcatcher (*Poliopiila californica californica*) and gnatcatcher critical habitat. The USFWS issued a Biological Opinion dated December 28, 2000 (FWS Log No. 1-6-00-F-855) for the project. It is anticipated that the currently proposed project would not significantly affect the terms and conditions of this opinion. The USACE is requesting verification and concurrence from USFWS regarding the proposed project in relation to the existing Biological Opinion.

Public Hearing- Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearing shall state with particularity the reasons for holding a public hearing.

Proposed Activity for Which a Permit is Required

The proposed project includes the construction of a flood water detention basin at El Camino Real and Oceanside Boulevard (Figure 1) that was started under a previous Corps permit that is currently expired. Construction of the masonry walls will require a trench in order for the wall footings to be built and anchored. Construction corridors will be restricted to minimize impacts to native vegetation and two concrete outfall structures will also be constructed. A lateral baffle wall will require grading and minimal redeposit of fill material.

A total of 0.4 acre of permanent impacts and 0.60 acre of temporary construction impacts to waters of the U.S. resulting from installation of masonry walls at the El Camino Real basin were authorized under the previous 404 permit (Table 1). Approximately 0.09 acre of permanent and 0.15 acre of temporary impacts to waters of the U.S. have yet to be completed to finish the walls of the El Camino Real detention basin.

TABLE 1
SUMMARY OF IMPACTS TO WETLANDS
EL CAMINO REAL DETENTION BASIN
(acres)

Previously Authorized Concrete/Masonry Walls – Detention Basin			
Wetland Habitat Type	Permane nt Impact (Berm)	Temporary Impact (Constructio n)	Total
Willow woodland	0.1	0.2	0.3
Willow scrub	0.1	0.1	0.2
Freshwater marsh	0.2	0.3	0.5
TOTAL	0.4	0.6	1.0

Basic Project Purpose- The basic project purpose comprises the fundamental, essential, or irreducible purpose of the proposed project, and is used by the Corps to determine whether the applicant's project is water dependent.

The basic project purpose is flood control.

Overall Project Purpose- The overall project purpose serves as the basis for the Corps' 404(b)(1) alternatives analysis and is determined by further defining the basic project purpose in a manner that more specifically describes the applicant's goals for the project, and which allows a reasonable range of alternatives to be analyzed.

The overall project purpose for the proposed project is to provide better flood control in the upper portions of Loma Alta Creek to regulate the flow of water downstream.

Additional Project Information

Background Information:

The flooding problem on Loma Alta Creek , as reported by the applicant, stems from two separate hydrological conditions: the diminished capacity of Loma Alta Creek to contain flood waters at the point of flooding; and the uncontrolled rate of flow of water into the flood danger area. The overall Loma Alta Creek flood control project is designed to resolve both of these concerns through three phases.

Prior to the first phase of the project, the U.S. Army Corps of Engineers (USACE) authorized the replacement and expansion of the Coast Highway bridge (97-20075-TCD) on October 3, 1997, with concrete box culverts in Loma Alta Creek, downstream of the channelization phase. That project was necessary to prevent additional flooding and property damage within the adjacent mobile home park, and in residential and commercial areas.

The channelization phase, which was authorized by USACE on January 28, 1999 (99-20004-TCD) was designed to increase the capacity of the creek at the flood hazard area to provide 40-year flood protection. The detention basin phase of the project underwent additional design and impact analysis by project proponents prior to USACE review. The detention basins are designed to provide 100-year flood protection to the flood hazard areas.

Due to the urgent need for partial flood protection in the flood hazard area in the developed vicinity of Loma Alta Creek, the channelization portion of the project was evaluated for the public interest and approved by the USACE before final design and impact analyses of the detention basin portion of the project, so that the less environmentally impactful channelization portion of the project could be constructed immediately upon permit issuance.

The detention basin phase of the project (962006800-TCD) is designed to temporarily detain water during heavy rains, improving the overall effectiveness of flood control works downstream by equalizing the flow of water in the creek during flood events. The previously approved project for the detention basin phase consisted of the construction of three detention basins. Two of the sites are located along Loma Alta Creek, immediately east of El Camino Real and east of Rancho del Oro Drive. The third site is located on Garrison Creek, immediately east of El Camino Real and south of Mesa Drive. The basins would have used sheet pile walls to detain the water. This project was approved by USACE (962006800-TCD).

Subsequent design modifications changed the wall type for the detention basins from steel sheet pile construction to reinforced concrete and masonry. This change in wall type was necessary because of several site conditions that were not realized when the sheet pile design was considered. The sheet pile wall considered in the previous approval required approximately 1.5 times the height of the wall be driven (or vibrated) into the ground for support. The walls in many locations range from 8 to 18 feet in height and therefore require 12 to 27 feet be placed below grade. In numerous areas, bedrock is encountered at depths of 10 to 15 feet below the existing surface, making placement of the sheet piles to the correct depth impossible.

Construction of the Garrison Creek detention basin and the southern wall of the detention basin on Loma Alta Creek at El Camino Real were completed prior to the expiration of the previously issued permit and amendments (Permit No. 962006800-TCD). Still to be constructed are the western and cross walls at the El Camino detention basin (Figure 2).

The current proposal would complete the construction of the western and cross masonry walls of the basin at El Camino Real. Construction of these walls to finish the detention basin at El Camino Real and Oceanside Boulevard is anticipated to begin after September 15, 2007 to avoid the breeding season of the least Bell's vireo, coastal California gnatcatcher, and other bird species.

Proposed Mitigation - Mitigation for impacts to wetlands from the construction of the two detention basins has been implemented as authorized in the previous 404 permit. The total mitigation obligation was 5.16 acres (Table 2). Mitigation involved the creation of 3.76 acres of wetlands north of Oceanside Boulevard and east of Rancho del Oro Drive on an un-named tributary to Loma Alta Creek. An additional 1.4 acres of wetland mitigation credit was purchased at the Pilgrim Creek Mitigation Bank to reach the total mitigation requirement.

TABLE 2
PROPOSED MITIGATION FOR WETLAND IMPACTS AT THE GARRISON CREEK AND
LOMA ALTA CREEK DETENTION BASINS

Habitat Type	Cumulative Impacts* (acres)	Mitigation Ratio	Mitigation Requirement (acres)
Willow woodland	0.3	5:1†	1.5
Willow scrub	0.43	5:1†	2.15
Mule fat scrub	0.1	5:1†	0.5
Freshwater marsh	0.5	2:1	1.0
Open Water	0.01	1:1	0.01
TOTAL	1.34		5.16

*Cumulative impacts are the sum of permanent and temporary impacts for the detention basins at Garrison Creek and Loma Alta Creek, El Camino Real.

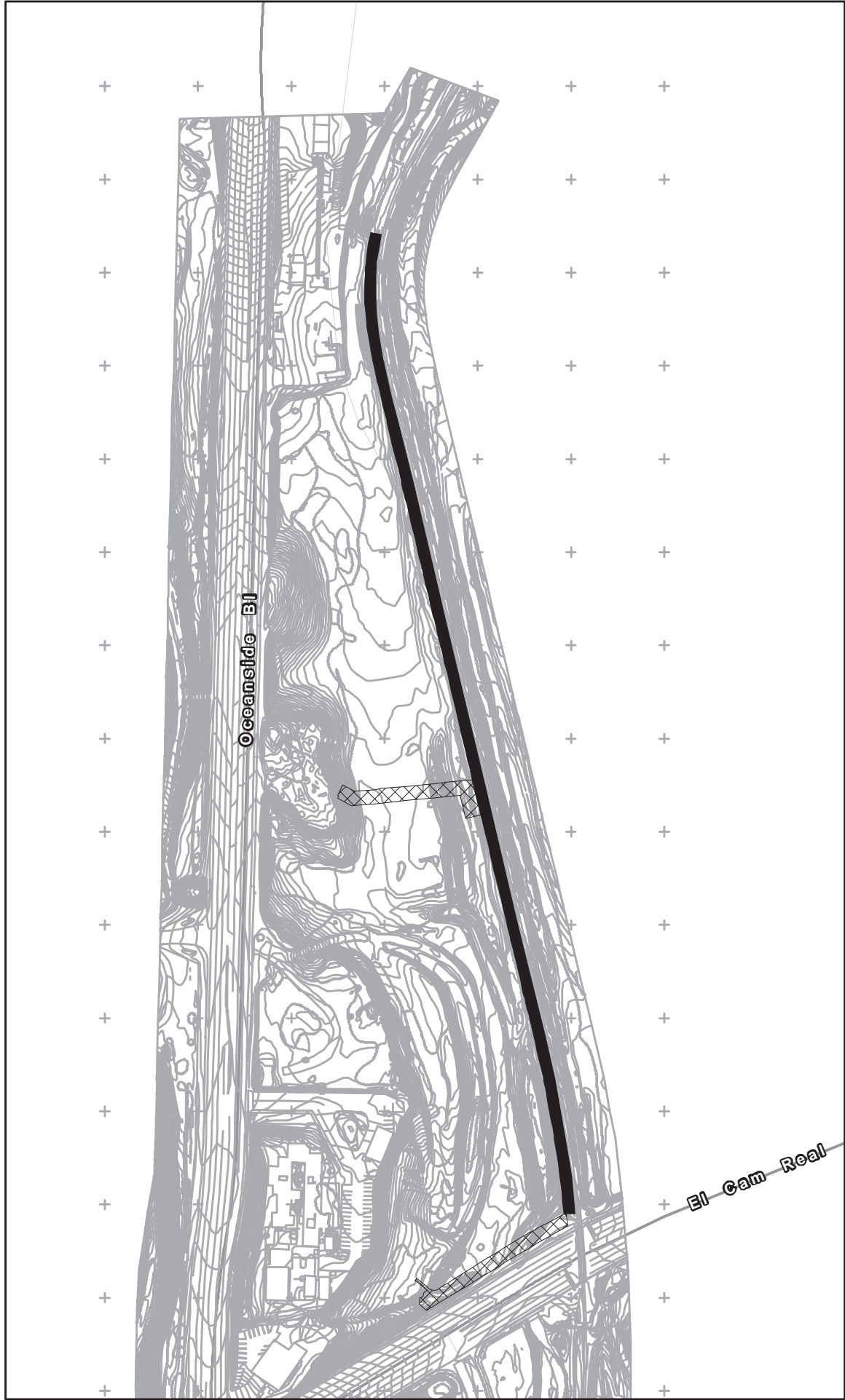
†Mitigation ratio for impacts to least Bell's vireo habitat.

Since the project was previously approved under Corps permit (962006800-TCD) and no new impacts to waters of the U.S. are being proposed, no new mitigation is being proposed.

Proposed Special Conditions

None at this time

For additional information please call Crystel Doyle of my staff at 760.602.4836 or via e-mail at Crystel.L.Doyle@usace.army.mil. This public notice is issued by the Chief, Regulatory Division.

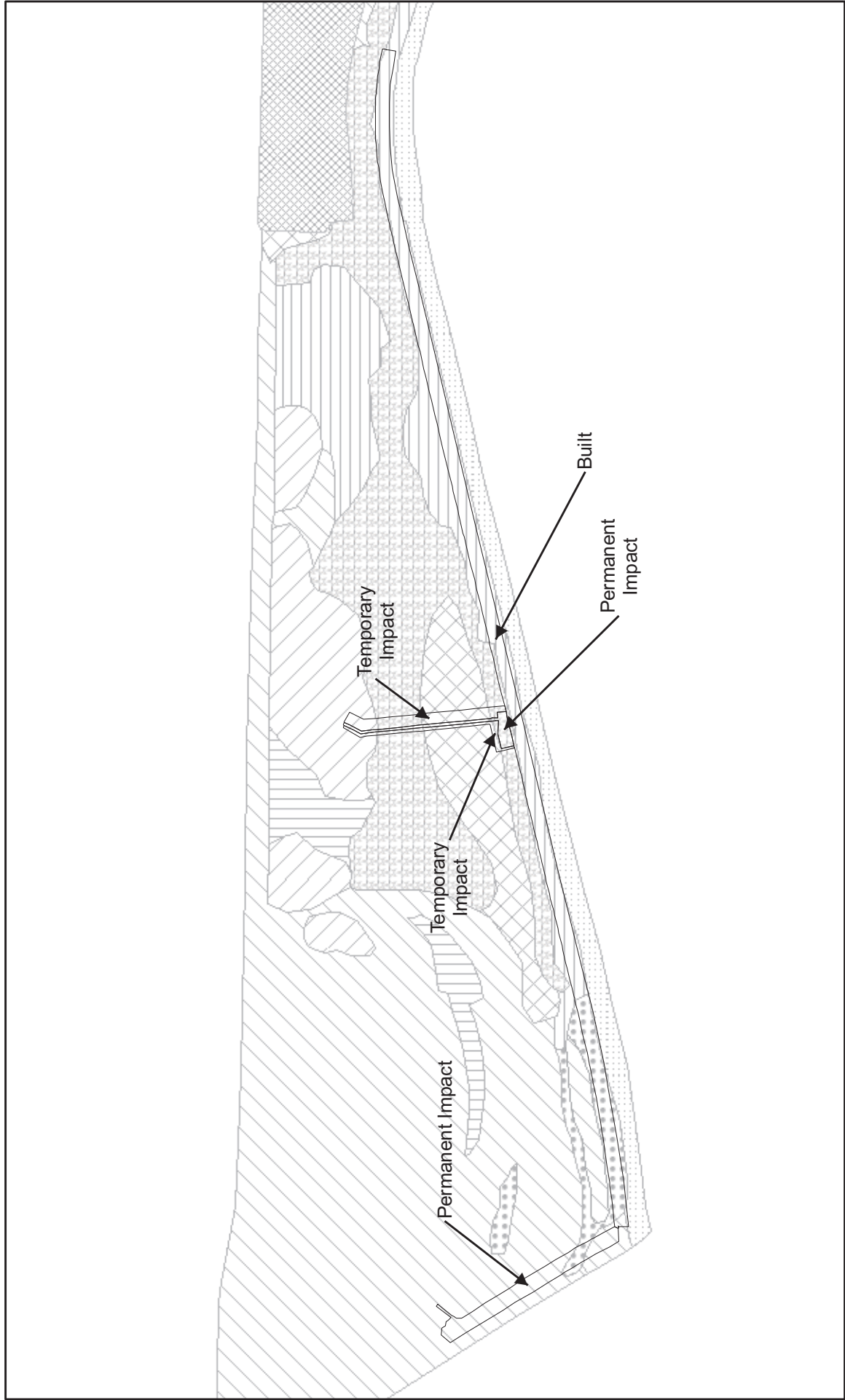


Detention Basin Walls

- Existing Wall (built under previous 404)
- Walls to be built (approved under previous 404)
- 1 ft Contour Lines

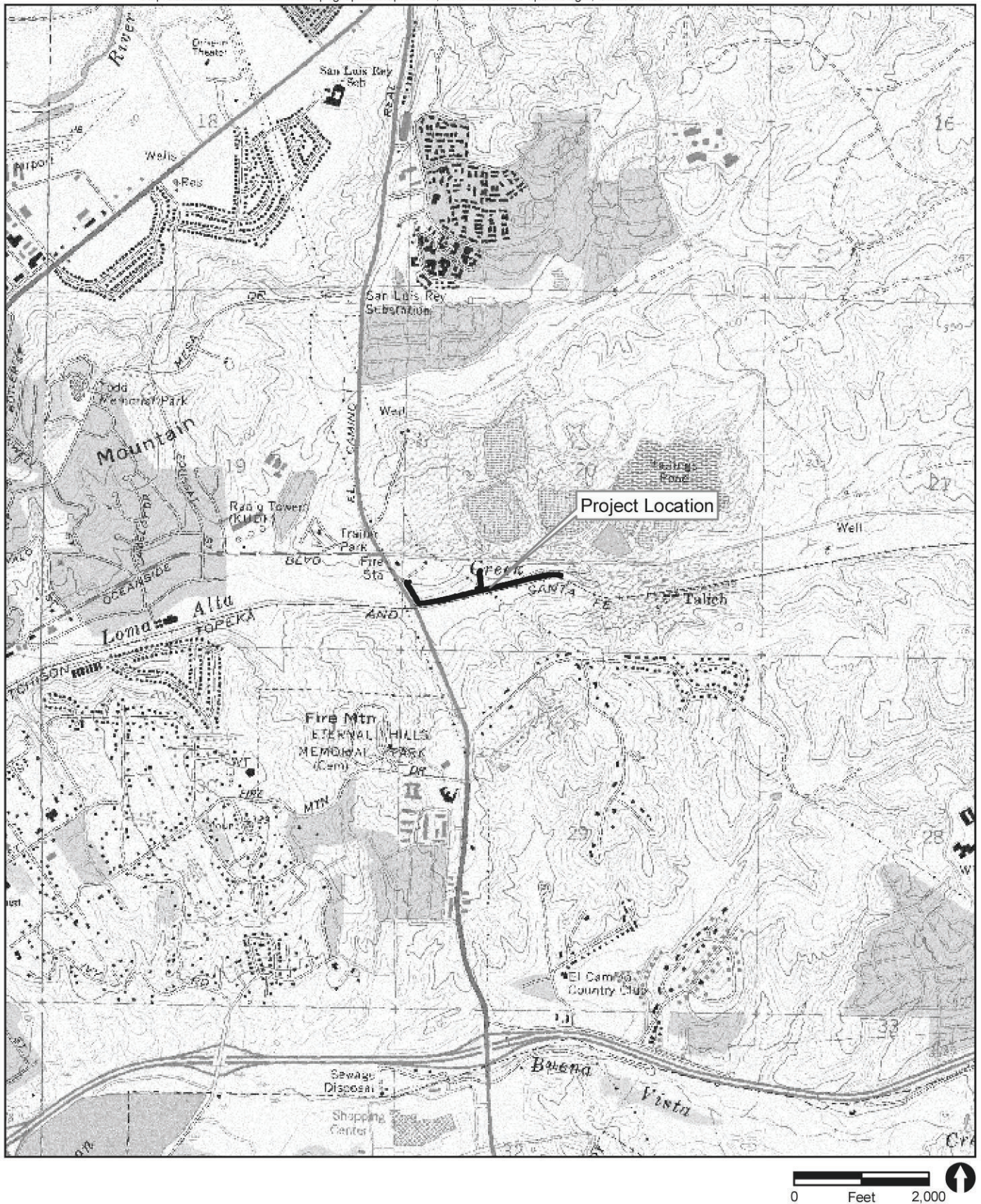
FIGURE 1

Location of Detention Basin Walls



- | | |
|-------------------------------|---------------------|
| Vegetation Communities | Wall Impacts |
| Baccharis Scrub | Freshwater Marsh |
| Coastal Sage Scrub | Mule Fat Scrub |
| Developed | Railroad |
| Disturbed | Willow Scrub |
| | Willow Woodland |

FIGURE 2
Vegetation Impacts



 Project Impact Area

FIGURE 3

Project Location on USGS Map

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